

ECD Special Census Procedures

January 1

2013

The Tennessee Department of Economic and Community Development provides procedures in this document for cities and counties to document population changes between each federal decennial census. The Tennessee Code Annotated allows cities to conduct annexation special censuses as they are effective and up to four citywide special censuses during the decade. A county may also conduct up to two countywide special censuses. If a city or county chooses it may use the services of the U. S. Department of Commerce Bureau of Census to conduct and certify a special census. The Bureau of Census does not involve the State to certify the new count, however ECD will use a new certified count from the Bureau of Census in the "Annual Certified Population of Incorporated Municipalities and Counties" used for distribution of state shared revenues.

For inclusion
in the Annual
Certificated
Population of
Tennessee
Incorporated
Municipalities
and Counties

Overview

The State of Tennessee distributes various tax proceeds to Tennessee cities and counties based on their population as reported by the Federal Bureau of Census at the beginning of each decade. Both cities and counties are enabled under several sections of the Tennessee Code Annotated (TCA) to conduct a special census to document population change between the federal decennial censuses. A city or county normally chooses to conduct a complete recount of their population to document perceived growth or to resolve a dispute with the federal count. Cities may also conduct a special census when they annex new residents into their jurisdiction. To receive the shared revenue for those new residents the local government must submit the special census to the Tennessee Department of Economic and Community Development (ECD) and request approval to include the new count in the annual Certified Population of Tennessee Incorporated Municipalities and Counties report. To be certified under ECD rules, the special census must contain the first and last name of every person in the household, as well as the street number and street name for the household. The special census must be conducted at the city or county's expense and the city or county must have their regional Development District review and field check the census before submitting it to ECD for approval. The submittal must include, a street map of the area, a letter from the mayor requesting the department certify the special census, annexation ordinances (if applicable), the census listing, and a check to cover the fee charged by the department.

ECD requires that the special census be submitted to one of eight approved agencies (listed on page 5 & 6) by March 1 so the names and addresses can be reviewed for error. Although the department will accept a paper document, an electronic format is preferred and will be required in the future to facilitate the initial review. After the census list is reviewed, a door to door field check of at least ten percent of the new population is conducted. The results of this verification cannot have an error rate greater than five percent.

Once the field verification is complete and the special census is found to be acceptable, the new count is included in the annual Certified Population of Tennessee Incorporated Municipalities and Counties report. This report is published by the department each July. Each funding agency (listed below) uses this report to distribute tax proceeds to the cities and counties based on their reported population. Municipal changes are by far most common and the report indicates the new municipal population. Additionally, the report includes a new state total of municipal population. This figure is used to determine the per capita rate of revenue distribution.

The Certified Population of Tennessee Incorporated Municipalities and Counties report is transmitted to the Commissioners of Revenue, Transportation, Finance and Administration, Alcoholic Beverage Control, the Comptroller of the Treasury, the Secretary of State, the State Treasurer, the Lieutenant Governor and the Speaker of the House of Representatives each July.

Special Census Authorization

The Tennessee General Assembly has provided cities and counties authority to take special censuses in sections 6-51-114, 9-16-101, 67-6-103, 54-4-203, and 57-5-205 of the Tennessee Code Annotated. State taxes are shared with Tennessee's incorporated municipalities and counties on the basis of population. The federal decennial population counts are used as the basis for this distribution unless a municipality or county has a special census taken under the provisions for such a census in the state's statutes. The following statutes apply:

6-51-114 for special census after annexation,
9-16-101 for special censuses by counties,
67-6-103 for sales and use taxes,
54-4-203 for municipal street aid, and
57-5-205 for beer and alcoholic beverages

There are three circumstances under which a special census may be taken:

1. A municipality incorporated between federal censuses does not have to wait until the next federal census to establish a population basis. It may have a special census taken of the inhabitants within its boundaries.
2. A municipality may include in its population base the residents of an area annexed after the last federal census by having a special census taken in the annexed area. Only one special census can be certified for the same area. However, the annexed area may be included in a later city-wide special census.
3. Any incorporated municipality may take a special census of the entire municipality between federal decennial censuses, provided that only four such censuses are taken during the ten-year period; however, according to Tennessee Code Annotated Section 57-5-205, municipalities may only take two censuses for the purpose of distribution of the state privilege tax. Counties are only permitted to conduct two

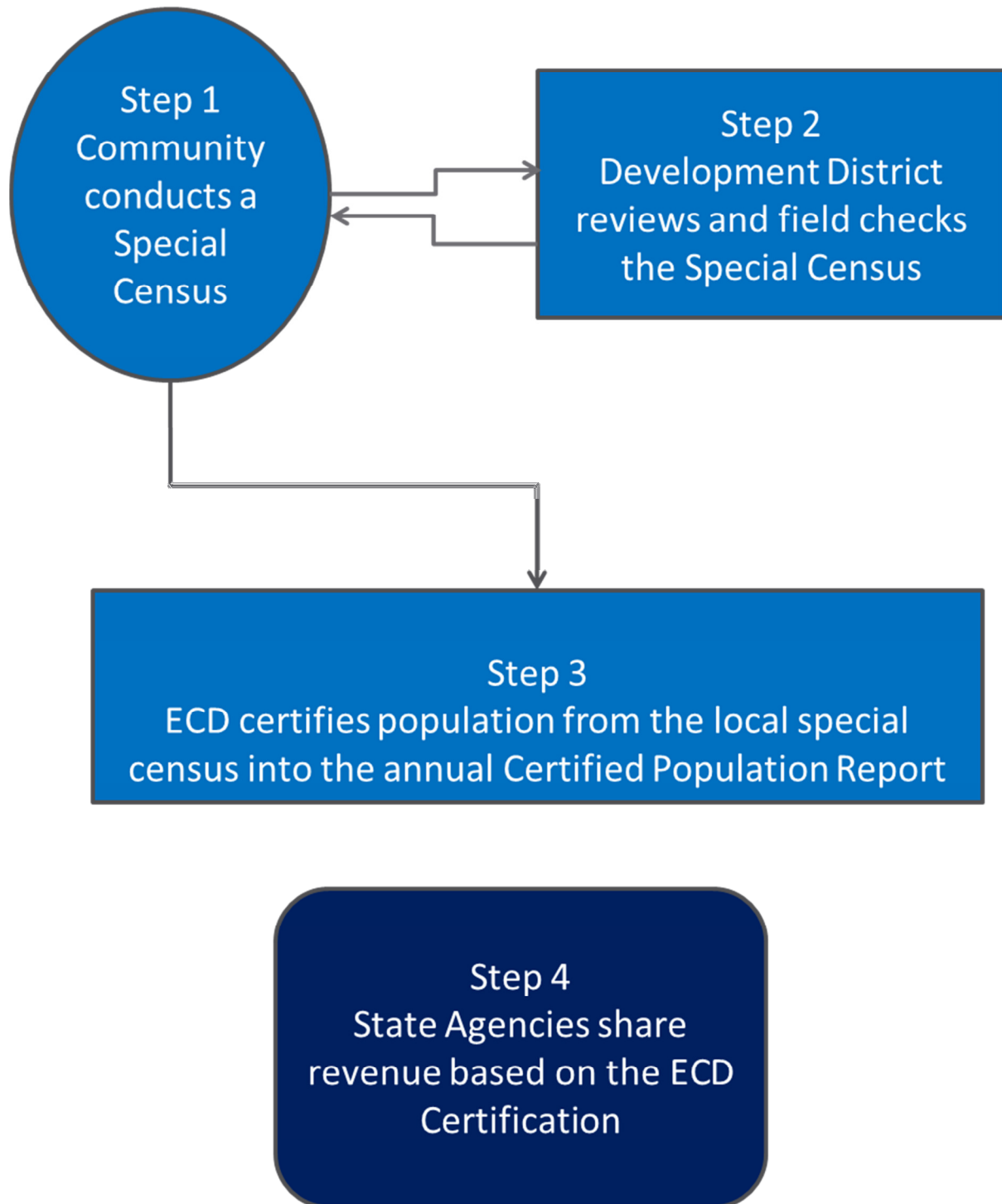
county-wide censuses during the ten-year period between federal decennial censuses.

A special census may be taken either by the United States Bureau of the Census or in a manner directed by and satisfactory to ECD. When the municipality or county has the federal census bureau take the census, the only state requirement is that the Bureau of the Census provide an official notice to ECD that identifies the area in which the census was taken and the count of the area's residents.

Steps for Requesting that the Department of Economic and Community Development Certify Your Special Census

1. Not later than **January 1 (February 1 during 2013)** submit a Letter of Intent to the Department of Economic and Community Development stating the type of special census you wish to have included in the annual Certified Population of Tennessee Incorporated Municipalities and Counties report;
2. Not later than **March 1** submit the completed special census materials to an approved agency (see listing of approved agencies below) for review and field verification. Payment for review and verification must be made in advance to the agency certifying the validity of the special census;
3. Not later than **June 1** submit the following information to ECD:
 - a. A notarized letter from the mayor that explains the method in which the census was conducted and the count being requested for inclusion in the July 1 Tennessee Certified Population of Incorporated Municipalities and Counties report;
 - b. A letter from the authorized agency stating that the agency reviewed the census and conducted a field verification having an error rate that is five (5) percent or less, and a recommendation that the special census count be included in the Certified Population of Tennessee Incorporated Municipalities and Counties report;
 - c. One copy of the special census,
 - d. All annexation ordinances and associated maps covering annexation special census requests, if applicable.

Special Census Process



Special Census Review and Field Verification

The Department of Economic and Community Development requires that a city or county shall secure an approved independent agency to review its special census and conduct a field verification visit. When a municipality or county takes a special census and submits a listing of the inhabitants to an approved agency, the approved agency will review the census document and conduct a field sample of the listing in order to check the validity of the data. Officials of the municipality or county may be requested to assist in locating boundaries or addresses. An absolute error of five (5) percent or more will be sufficient basis for the Department to reject the census data. The agency secured to review and field check the special census will assess a fee based on the following schedule.

Special Census Certification Fee Schedule

The Department of Economic and Community Development recommends that each approved agency charge for the document review and field verification services at a base rate of \$500 per special census plus \$0.10 per person for the total census count.

Examples: 100 person annexation special census - $\$500 + (100 \times \$0.10) = \$510$
 5,000 person citywide special census - $\$500 + (5,000 \times \$0.10) = \$1,000$
 30,000 person citywide special census - $\$500 + (30,000 \times \$0.10) = \$3,500$

The agency conducting the review is not required to follow the department's recommended fee schedule and can charge more or less depending on its costs to complete a municipality or county request. The Department does consider the aforementioned schedule reasonable for materials, travel and man hours necessary to complete a special census review and verification.

Agencies Approved to Review and Verify a City or County Special Census

East Tennessee Development District
865-273-6003
P.O. Box 249
Alcoa, TN 37701-0249

First Tennessee Development District

423-928-0224

3211 North Roan Street

Johnson City, TN 37601-1213

Memphis Area Association of Governments

901-729-2871

8289 Cordova Rd., Suite 103

Cordova, TN 38016

Northwest Tennessee Development District

731-587-4213

P.O. Box 963

Martin, TN 38237-0963

South Central Tennessee Development District

931-379-2929

101 Sam Watkins Boulevard

Mount Pleasant, TN 38474

Southeast Tennessee Development District

423-266-5781

1000 Riverfront Pkwy

Chattanooga, TN 37405-0757

Southwest Tennessee Development District

731-668-7112

102 E. College Street

Jackson, TN 38301

Upper Cumberland Development District

931-432-4111

1225 South Willow Avenue

Cookeville, TN 38506-4158

Conflict of Interest

The State recognizes that each development district authorized to review, verify and recommend certification of a special census also assesses a per capita fee to district member governments who may use special census verification services of their development district. The district board is authorized in TCA 13-14-111 to set a per capita fee based on the latest federal decennial census or the board of a development district may utilize either the population counts from the latest yearly population estimates or from the decennial census figures of each city, town, metropolitan government, and county that is located in and is a member government of the development district, as reported by the United States department of commerce, bureau of the census or its federal functional equivalent.

The annual population count report certified in the Tennessee Certified Population of Incorporated Municipalities and Counties shall not be used by a development district to set its member fees.

Special Census Procedures Taken Under the Guidance of the Department of Economic & Community Development

There are two methods that a municipality may use to take a census that is satisfactory to the Department of Economic and Community Development. The municipality may have its own enumeration of the inhabitants made, or it may use published or unpublished federal census data from 2010. Requirements for each method are outlined below.

Requirements for a Special Census Taken by the Municipality or the County

In conducting the census, a listing showing the name of each and every individual with the best possible street address of normal legal residency must be made. Members of the household may be grouped under a single address, but the listing must include the name of each member of the household. No additional data, such as age, race, status of property ownership, etc., is required but may be collected at the same time at the option of the municipality.

For the actual taking of the census, the municipality may use municipal employees, special employees, volunteers, or other personnel. The Department of Economic and Community Development will not undertake this work.

To file the results of the census with the ECD, the following materials must be submitted to the Research Division of ECD:

1. A notarized letter from the mayor that explains the method in which the census was conducted and the count being requested for inclusion in the July 1 Tennessee Certified Population of Incorporated Municipalities and Counties report;
2. A letter from the authorized agency stating that the agency reviewed the census, conducted a field verification visit having an error rate that is five (5) percent or less, and recommends that the special census count be included in the Certified Population of Tennessee Incorporated Municipalities and Counties report;
3. A list of the residents with street addresses as described above; and,
4. All annexation ordinances and associated maps pertaining to annexation special census requests, if applicable.

Requirements for Use of 2010 Census Data

Census tracts and block numbering areas may be used for the census enumeration provided the area incorporated does not cross census tract lines or block numbering areas, that is, provided it contains the entire area of one or more census tracts or block numbering areas. The counts for census tracts and block numbering areas can be obtained for Tennessee from the Bureau of Census website www.census.gov. Advice and assistance to obtain the required data may be obtained from a regional Economic Development District or the:

Center for Business and Economic Research
916 Volunteer Boulevard,
716 Stokely Management Center
University of Tennessee
Knoxville, Tennessee 37996-0570

When a new a new incorporation occurs within the bounds of a Bureau of the Census Metropolitan Statistical Areas (MSA's), the census tract or block numbering area counts may be used as listed in the appropriate U.S. Bureau of the Census Publication of the CPH Series, Population and Housing Characteristics for Census Tracts and Block Numbering Areas.

When using 2010 census tract or block numbering area counts, the following materials must be submitted to ECD:

1. Notarized statement of the computations, including the identifying numbers of the census tracts or block numbering areas, and when using census tracts or block numbering areas, the census publication used, and the table and page numbers;
2. Notarized statement by mayor or election of incorporation, giving date, and type of charter adopted; and,
3. Map of incorporated area showing the census tracts or block numbering areas.

Certification Notice from ECD

ECD will provide the city or county written notice of the approved special census count in July after the appropriate state agencies have received notification of the changes contained in the annual Certified Population of Tennessee Incorporated Municipalities and Counties report. Officials that must be notified include in the Lt. Governor, Speaker of the House, Comptroller of the Treasury, State Treasurer, Secretary of State, Commissioners of Revenue, Transportation, and F&A and the Alcoholic Beverage Control Commission.

Notice provided by ECD to the city or county will be in a form report indicating the original population count, the new population count and the type of special census used to modify the total population count.

Contact ECD with Questions

Department of Economic and Community Development
Community and Rural Services Section
865 741 2373

INSTRUCTIONS FOR SPECIAL CENSUS REVIEW AND VERIFICATION BY AUTHORIZED AGENCIES

1. Ensure that the city or county has submitted the following material for review.
 - a. A notarized letter from the mayor indicating the type of special census conducted, total census count, how the special census was conducted and requesting that the agency provide verification of the results for submission to ECD.
 - b. A check in the amount of \$500 plus \$0.10 per person of the total special census count payable to the Development District.
 - c. A map clearly indicating the extent of the territory contained in the special census will legible street names.
 - d. A digital special census list in spreadsheet format by street number, street name, last name and first name for each person contained in the special census request.
 - e. A copy of all annexation or incorporation ordinances if an annexation or new incorporation applies.
2. Conduct a desktop review of the special census table to ensure all information is listed and correct.
 - a. Each entry must have a street address,
 - b. Each household must include the a first and last name,
 - c. Each page must be reviewed for duplications or electronic errors,
 - d. The total count must be verified.
3. Conduct a random door to door field verification visit to the city or county.
 - a. Divide the community into logical areas and conduct a portion of the field verification in each area to insure a level of randomness.
 - b. Devise a plan to poll at least ten (10) percent of the residents listed in the census.
 - c. Contact the city or county administration and law enforcement informing them of the date and time of the field visit.
 - d. Provide clear identification of your organization and purpose to each resident polled to insure their security and cooperation.
 - e. A certified letter from the official administrator of institutions or group homes such as nursing homes or assisted living facilities is acceptable for the census but should not be used as part of the field verification. This does not apply to other multi-family residential complexes such as apartment dwellings.
4. Provide the city or county with a report certifying that the authorized agency has reviewed the special census in compliance with procedures set fore by ECD including:

- a. The name(s) and position(s) of the agency staff who conducted the desktop review of the special census materials and conducted the field verification visit. The District may use personnel external to its staff. The external personnel may not be employees of the applicant city or county and must be supervised by a District employee.
- b. The date(s) of the field verification visit(s).
- c. The number of persons and percentage of the total special census contacted (minimum of ten (10) percent).
- d. The percentage of error identified during the field verification visit (maximum of five (5) percent).
- e. A recommendation to ECD stating that the authorized agency recommends approval or denial of the special census count by the Department.